STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission On Its Own Motion	))	
Investigation concerning Illinois Bell Telephone Company's compliance with Section 271 of the Telecommunications Act of 1996	))))	01-0662 Phase 2

AFFIDAVIT OF FORTE COMMUNICATIONS, INC. (OPERATIONAL ISSUES)

Introduction

The performance measures evaluated by BearingPoint and Ernst & Young do not necessarily address whether SBC is correctly performing its obligations to provide efficient and non-discriminatory wholesale sale services to competitive local exchange carriers ("CLECs"). In other words, the measurement of SBC's OSS performance in limited areas of its operations is of little value if every day operational quality is not present. In order for SBC to satisfy its 271 obligations SBC must have opened its network and met OSS obligations to provide quantifiably efficient and timely service to CLECs. Although the established performance measures are useful, they do not provide a complete picture into SBC's obligation to provide access to OSS. Forte will introduce data on several issues that have been ignored by the BearingPoint and Ernst and Young audit review process. These issues that Forte encounters almost daily are directly

relevant to SBC's obligation to provide access to its OSS so that CLECs such as Forte are afforded an opportunity to compete.

Comments

I. Invalid Rejects

An Invalid reject of an order is a reject that is caused by SBC error. That is, but for an SBC error the order would have proceeded through SBC's systems An invalid reject can occur for numerous reasons, although the most common invalid reject that Forte experiences is for telephone number ("TN") invalid or unavailable. The following chart contains an analysis of just one type of SBC's invalid rejects during the period of April 2002 until February 17, 2003:

Month 2002		Invalid reject of "TN Invalid or Unavailable"	
	Invalids	Monthly total of New Lines ordered	%
Apr	6	379	2%
May	102	474	22%
Jun	21	496	4%
Jul	33	650	5%
Aug	15	516	3%
Sep	23	588	4%
Oct	15	540	3%
Nov	93	562	17%
Dec	8	582	1%
2003			
Jan	0	676	0%
Feb thru 2/17	12	508	2%
	328	5971	5%

As one can see, this is a recurring problem that has never been totally fixed. The highest monthly total for "TN invalid or Unavailable" was 102 invalid

rejects in May of 2002. Although Forte was using LSOG 4.02 for EDI ordering, May 2002 was when LSOG 5 was introduced, which had a hugely negative impact on CLECs that were still using LSOG 4.02. Likewise, in November 2002, Forte received 93 invalid rejects for the same reason, which coincided with SBC's "upgrade" from LSOG 5.01 to 5.02. Once again, SBC's upgrade of LSOG had an immensely negative effect on LSOG 4.02 users. One can clearly see that SBC did not perform appropriate regression testing before releasing new versions of software. That is, SBC did not test to see what affects the new version of software had on old versions that SBC was still supporting. CLECs are not required to convert to new versions of LSOG, so such compatibility is essential.

Overall, 5% of Forte's orders for new lines over a period of approximately 11 months were invalidly rejected for just this one invalid defect in SBC's software.[1] In May of 2002, Forte was told that this reject was on SBC's "Defect Report List." I believe the data speaks for itself. Forte has received many other invalid rejects but chose to focus on this "TN invalid or unavailable" because it has been the biggest recurring problem.

In questioning during the hearings, BearingPoint indicated there was not a performance measure to address the problem of invalid rejects. Although PM 9, percent rejects, is disaggregated between CLEC caused rejects and a reject resulting in SBC re-flowing orders (SBC error), the SBC caused rejects were not

[1] The preceding chart only contains SBC's invalid reject totals for "TN invalid or unavailable". There are many other types of invalid rejects that are not represented by the data in the chart.

studied to track the number of invalid rejects and the specific causes of invalid rejects. SBC is aware of the problems CLECs face regarding this issue since it has repeatedly been brought to SBC's attention in the monthly user forum discussions between the parties. [2]

Forte, CIMCO, XO, and Globalcom, submitted a data request to SBC requesting individual CLEC information about the number of invalid rejects. In its response, SBC stated it did not track invalid rejects on either a formal or informal basis. SBC's response is interesting because it indicates that SBC asserts is not in possession of information it uses itself to issue a formal listing known as a "defect report". Further, even if were true that SBC did not track invalid rejects, such a response is inexcusable given the continuing problem SBC has in reliably serving wholesale customers.

SBC has a significant problem in meeting its requirements for provisioning services. In its response to the CLEC data request, SBC incorrectly describes the process for handling invalid rejects. SBC Illinois states as follows:

> (i) When a CLEC is unable to resolve an error message on a mechanized Local Service Request (LSR), a call is made to the MCPSC for assistance. The MCPSC investigates the issue to determine if the LSR was properly rejected. If it is determined that the rejection was invalid, the MCPSC advises the CLEC and offers to refer the associated LSR(s) to the LSC to be processed without further action from the CLEC. When the MCPSC determines that an LSR has been incorrectly rejected, a trouble report is issued to the appropriate work groups for resolution of system issues.

[2] The CLEC / SBC User forum has been meeting for five years and the issue of invalid rejects has been a common theme of dispute.

SBC's process is unworkable in practice. To begin with, SBC does not always take such issues to the MCPSC. Instead, the process SBC currently suggests is for CLECs to go through the LSC where there is a manual reject. If it was an automatic reject, it goes to the MCPSC. Further, a trouble ticket is not issued at the end of the process but instead a trouble ticket is opened when a CLEC initially raises the issue. In fact, it is common to have numerous trouble tickets on a single PON or order. But the most important aspect of SBC poor handling of invalid rejects is that the utility cannot respond adequately to the volume of orders that SBC invalidly rejects. CLECs are supposed to send the MCPSC a list of all rejects in which case SBC should have the orders worked. The MCPSC is supposed to send the rejects to the LSC. The process is supposed to be completed in 48 hours. Unfortunately, Forte's experience is that SBC rarely meets the 48-hour window. Thus, Forte has to take additional actions to get each order worked correctly. In an effort to ensure a clear record on the level of invalid rejects, Forte is providing its data on the frequency and occurrence of SBC's invalid rejection of its orders.

In response to the CLECs' data request, SBC also asserts it cannot track re-issued invalid rejects. In order for this Commission to reasonably determine how SBC is performing, it should require that SBC track by CLEC all invalid rejects and all occurrences of repeated or re-issued invalid rejects.

II. Completion Notice

As part of its OSS obligations, SBC must timely inform a CLEC when its order is completed. PMs 7, 7.1 and 8 measure SBC's ability to provide a completion notice within a certain time period. However, those results are only useful if the completion notice itself was correct. All too often Forte receives a completion notice from SBC only to find out that the customer does not have dialtone. When Forte receives a completion notice from SBC stating that its line order has been processed and the customer calls stating that there is no dialtone, Forte initiates a truck roll to the end user's location in order to perform a cross connect of the outside wiring to the inside wiring at the network interface. However, Forte's technician often discovers that there is no dialtone at the network interface – SBC's completion notice was invalid. Forte must then initiate a trouble ticket with Ameritech and then do another truck roll after the trouble ticket is resolved. This more than doubles the cost of the truck roll for Forte and billing from Ameritech starts too soon. Additionally, Forte's customer is out of service awaiting SBC's provision of dialtone.

Forte's data shows that from December 1, 2002 to January 24, 2003, out of 1053 new POTS lines for which SBC issued completion notices, 187 of the lines (17%) , did not have dialtone. This is a huge problem that Forte experiences.

III. "Worker in the way" or "working service conflict"

Another recurring problem with SBC involves a "worker in the way" or "working service conflict" situation. A working service conflict occurs when a customer orders a new line to a location when there is already a line going to the location that could be used.[3] For example, if a customer orders a second telephone line to an apartment, Forte orders the line from SBC, which in turn provides a FOC to install the line. Typically, the customer will take time off work to be available during installation. If SBC determines that there is a "working service conflict" because there is already a second line to that apartment, SBC is supposed to send - a fax to Forte several days before the due date to inform Forte that the installation commitment cannot be made. However, more than 80% of the time, Forte does not receive the fax from SBC at all, or receives it on or after the due date.

SBC's untimely declaration of a working service conflict adversely affects both Forte and its customer. Forte's customer is unable to receive service on the date promised by SBC. Moreover, the customer, relying on the due date provided by Forte (i.e., the FOC date given by SBC), took a day off of work to be present during installation. Approximately 80% of the time, SBC does not inform Forte of this problem until it is too late – either after or during the afternoon of the

[3] For example: An apartment has two roommates, each with their own line. One roommate moves out, leaving one working line and another line in place, what Ameritech calls an "abandoned" line. A new roommate moves in and wants to install a telephone line. Because SBC claims it is running out of loops, SBC wants Forte to check with the former roommate to make sure he/she intended to abandon the line. SBC therefore declares a working service conflict.

FOC date. Forte does not receive "worker in the way" faxes at all or after the due date. Nor does Forte receive a jeopardy notice on the order even though it is past the due date and still in an accepted state. Orders that are past due and not completed present major problems to Forte and its customers.

In response to DR Forte 6, BearingPoint stated: "BP observed documentation on 'working service conflict' faxes, but did not find any documentation on timeliness of these faxes". It is unclear from BearingPoint's response under what circumstances it observed the working service conflict situation. Forte's records show that out of 138 worker in the way faxes, over 80% of the faxes we received were either sent on or after the due date, many of which were more than 10 days late – one an inexplicable 27 days late. Forte's data illustrates that SBC overwhelmingly fails to provide timely notice to Forte of a working service conflict. This failure negatively impacts Forte and seriously impacts Forte's customer. The Commission should require SBC to provide a detailed analysis of its practices and procedures for working service conflicts, and should order SBC to make corresponding improvements to its system to correct this problem.

IV. Invalid formatting of telephone numbers (TNs)

Forte frequently receives invalid telephone numbers ("TNs") upon completion of a request for new residential or business POTS. In response to DR Forte 4, BearingPoint stated: "BP is not aware of any documentation

regarding 'invalid TNs'". Although BearingPoint did not document this problem, it has been a significant problem for Forte. Forte's data shows that from 5/21/02 through 1/31/2003 Forte received EDIs from Ameritech with incorrectly formatted TNs for 568 lines out of 4,493 new lines ordered and completed, or 12.6%.

A correctly formatted TN in an EDI would be all characters (e.g., 3125551212). Some examples of the 568 incorrectly formatted TNs Forte has received in EDI's from Ameritech are:

630 798-95
773 878-24
(815) 723-
773523-357
AA77362653

When Forte receives an invalid TN from SBC, Forte must perform a manual lookup on Verigate by PON # to get the correct TN and manually populate it into its database. This is very time consuming and expensive and the whole situation could easily be avoided if SBC would improve its systems to provide valid TNs.

V. Invalid USOCS

Forte cannot rely on SBC to provide accurate billing. Forte expends significant resources correcting SBC billing errors. SBC bills routinely contain altogether invalid USOCs or USOCs with invalid pricing. It is my understanding that other CLECs have experienced this problem as well. Since May 2002, Forte

has received the following USOCs on its bills, either in error or with significantly higher than SBC tariff rates.

NR9F6
NR9UU
NR9UV
NR9UYIL
SEPUCIL
SEPUPIL
U2HXBIL
U2HXCIL
UJR750
UPC685

Since Forte began selling the UNE-P product in July 2001 Forte has spent at least three man days per month to compute overbilled charges from SBC for invalid USOCs and rates that do not appear in SBC's tariffs. For example, Forte has calculated overcharges of $40,743 of a $98,706 bill Forte received dated Oct 4, 2002. This represents overbilling by 170%. Since May of 2002 Forte has never received a bill that is accurate even to 10% of the tariffed rates.[4]

Although still in the dispute process, Forte believes that due to billing inaccuracies, including invalid USOCs and non-tariffed rates, in 2002 Forte was over-billed hundreds of thousands of dollars on total annual sales of more than one million dollars. Therefore, Forte was overbilled for very significant percentage of its annual sales.

VI. Line Loss Notifications ("LLN") and Provider Initiated Activity ("PIA")

[4] Forte has been waiting since 2001 for confirmation of material it forwarded to SBC explaining the basis of Forte's payment for services under its ICA. SBC continues to assert unrelated prices should apply.

Over the last two days, Forte has received data request responses from SBC and is in the process of analyzing that information. If necessary, Forte will include said information on LLNs and PIAs in its response comments.

Conclusion

The operational OSS issues and corresponding data illustrate deficiencies in SBC's OSS that were not necessarily documented by BearingPoint's and E&Y's limited reviews. While the auditing reports are helpful to this Commission, they should not be seen as the exclusive measure of SBC's provision of OSS. As part of any 271 recommendation, the Commission should require SBC to take the necessary steps to remedy the operational OSS defects described herein.